

**REMARKS**

The foregoing amendment and the following arguments are provided generally to impart precision to the claims, by more particularly pointing out the invention, rather than to avoid prior art.

Claims 1-44, 46-51 and 53-58 are pending. Claims 1-51 and 53-58 were rejected.

Claims 1, 26, 41, 57 and 58 have been amended. Claim 45 has been cancelled. Support for the amendments is found in the specification, the drawings, and in the claims as originally filed. No new matter has been added.

**Claim Objections**

Claims 44 and 45 were objected to because of informalities. The Examiner has stated that "Claims 44 and 45 are duplicate claims." Claim 45 is cancelled.

**Rejections Under 35 U.S.C. §101**

Claims 1-25 were rejected under 35 U.S.C. §101 because of the lack of structural elements. Without admitting the propriety of the rejection, Applicant respectfully amends the claims to add structural elements (e.g., a memory).

**Rejections Under 35 U.S.C. §112**

The Examiner rejected claims 1-25 under 35 U.S.C. §112, second paragraph, because of the lack of structural elements. Without admitting the propriety of the

rejection, Applicant respectfully amends the claims to add structural elements (e.g., a memory).

*Rejections Under 35 U.S.C. §102(e)*

Claims 1-7, 9-17, 19, 20, 26-30, 33-43, 46-50, and 56-58 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2005/0010795 Tagawa et al. ("Tagawa"). Applicant respectfully disagrees.

Tagawa discloses a system in which an information provider operates a homepage to offer the information (e.g., pieces of music data) (see, e.g., Figure 3 and paragraphs [0066] and [0067] of Tagawa). A user uses the digital data recording apparatus that is realized by a PC to purchase and download the information (see, e.g., Figure 2 and paragraphs [0062] of Tagawa). The downloaded/purchased information is recorded on the primary recording medium that is realized by a hard disk of the PC. The PC decrypts and re-encrypts the information for recording on the secondary medium that is realized by a DVD-RAM disk. The downloaded information is recorded on the PC in Tagawa.

Tagawa does not teach or suggest information that has been recorded on a PC made available from the PC to a plurality of users. The recorded information on the PC of Tagawa is intended to be used only by the user of the PC (the digital data recording apparatus). Tagawa discusses the need to protect the copyright of the music data and discloses the decryption and re-encryption process to protect copyright. Thus, it is clear that Tagawa does not teach or suggest "an offer of ***the recorded information*** to a plurality of users".

Claim 1, for example, recites "to record information over the first communications connection" and "to provide an offer of the recorded information to a plurality of users".

Claim 26, for example, recites “recording information provided by the information provider over the first communications connection” and “providing an offer of the recorded information to a plurality of users”.

Claim 41, for example, recites “providing an offer of the recorded information to a plurality of users, the information previously recorded over a first communications connection from an information provider”.

Claim 57, for example, recites “recording information provided by the information provider over the first communications connection” and “providing an offer of the recorded information to a plurality of users”.

Claim 58, for example, recites “establishing a first communications connection with an information provider to record information provided by the information provider over the first communication connection” and “providing an offer of the recorded information to a plurality of users”.

Thus, Tagawa does not teach or suggest “an offer of the **recorded** information to a plurality of users”. What is disclosed in Tagawa is substantially different from what is claimed in the pending claims. At least for the above reasons, Tagawa does not anticipate claims 1, 26, 41, 57 and 58 and their dependent claims.

#### Rejections Under 35 U.S.C. §103(a)

Claims 31, 32 and 44 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tagawa in view of alleged knowledge in the art, which was relied upon for the additional limitations recited in claims 31, 32 and 44. Without admitting the propriety of the alleged knowledge in the art, Applicant respectfully submits that Tagawa in view of the alleged knowledge in the art does not meet the limitations specified in the base claims 26 and 41 of claims 31, 32 and 44. Thus, at least for the reasons discussed above, claims 31, 32 and 44 are patentable over Tagawa.

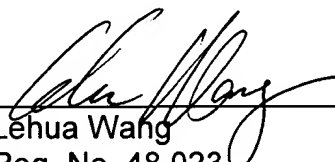
Claims 8, 18, 21-25, 51 and 53-55 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tagawa in view of U.S. Patent Application Publication No. 2002/0029241 of Yokono et al. ("Yokono"). Yokono was relied upon for the additional limitations recited in claims 31, 32, 44 and 45. Without admitting the propriety of the combination of Tagawa and Yokono that was suggested in the Office Action, Applicant respectfully submits that Tagawa in view of Yokono does not meet the limitations specified in the base claims 1 and 41 of claims 8, 18, 21-25, 51 and 53-55. Thus, at least for the reasons discussed above, claims 8, 18, 21-25, 51 and 53-55 are patentable over Tagawa in view of Yokono.

### **CONCLUSION**

It is respectfully submitted that all of the Examiner's objections have been successfully traversed and that the application is now in order for allowance. Accordingly, reconsideration of the application and allowance thereof is courteously solicited.

Respectfully submitted,

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